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JOHN H. SURRETT.

MARCH 2, 1867. —Laid on the table and ordered to be printed.

Mr. WOODBRIDGE, from the Committee on the Judiciary, made the following

REPORT.

The Committee on the Judiciary, to whom was referred the message of the President of the United States, communicating a report of the Secretary of State relating to the discovery and arrest of John H. Surratt, respectfully report :

That John H. Surratt sailed from Canada for Liverpool, about the middle of September, A.D. 1865; that information was received by Mr. Seward, Secretary of State, from Mr. Wilding, then vice-consul at Liverpool, by communication dated September 27, 1865, that Surratt was at that time in Liverpool, or expected there in a day or two.

By a despatch from Mr. Wilding to Mr. Seward, dated September 30, 1865, it appears that the supposed Surratt had arrived at Liverpool, and was staying at the Oratory of the Roman Catholic church of the Holy Cross, and that he, Wilding, could do nothing in the matter, without instructions from Mr. Adams, our minister to England, and a warrant.

By a despatch from the State Department, under date of October 13, 1865, Mr. Wilding was informed that it was deemed advisable that no action should be taken in regard to the arrest of the supposed Surratt at that time, and from the testimony it would seem that action was delayed upon the ground, principally, that the English government would not give him up.

The Secretary of State received a despatch from Mr. Potter, then consul general at Montreal, under date of October 25, 1865, informing him that Surratt left Canada for Liverpool some time in September previous, and was then in Liverpool awaiting the arrival of a steamer, which had not then sailed from Canada, by which he was expecting to receive money, and that he was intending to go to Rome. In a further despatch from Mr. Potter to the Secretary of State, dated October 27, 1865, information was given that Surratt was then in Liverpool, and had told the person who imparted the information to Mr. Potter that he would be obliged to remain there until he could receive money from Montreal.

Upon November 11, 1865, Mr. Potter was informed by a despatch from the State Department that the information communicated in his despatch had been properly availed of, and upon the 13th of November the Secretary of State requested the Attorney General of the United States to procure an indictment against Surratt as soon as convenient, with the view to demand his surrender.

Whether an indictment was procured does not appear from the testimony, but it does appear that no demand for the surrender of Surratt was ever made upon the English government.

Without referring particularly to the various communications to the State Department from Mr. King, our minister at Rome, commencing as early as April 23, 1866, stating in the despatch of that date that he had received information

that Surratt, under name of Watson, had enlisted in the Papal zouaves and was then stationed at *Lezze*, and the various replies thereto, your committee would refer to the despatch of Mr. King under date of August 8, 1866, in which he says that he had repeated to Cardinal Antonelli the information communicated to him in regard to Surratt; that "his eminence was greatly interested by it and intimated that if the American government desired the surrender of the criminal there would probably be no difficulty in the way."

It appears that no notice was taken of this communication until October 16, 1866, when the Secretary of State desires Mr. King to ask the cardinal whether his Holiness would now be willing, in the absence of an extradition treaty, to deliver John H. Surratt upon an authentic indictment, and at the request of the department, for complicity in the assassination of the late President Lincoln, or whether, in the event of this request being declined, his Holiness would enter into an extradition treaty with us which would enable us to reach the surrender of Surratt. It appears, however, from the testimony of the Secretary of State, that from about the time the communication from Mr. King, of August 8, was received, up to about the time of the communication to Mr. King from the State Department, of October 16, 1866, the Secretary was absent from Washington, and upon his return confined to his house by illness.

From a communication from Mr. King to the Secretary of State of November 3, 1866, it appears that Cardinal Antonelli "frankly replied in the affirmative" to the question as to whether the Papal authorities would surrender Surratt upon an authentic indictment and at the request of the State Department.

On November 6, 1866, an order was issued by the Papal authorities for the immediate arrest of Surratt, and the arrest was made, without any demand or request, so far as it appears, from the government of the United States.

From the foregoing, and from other evidence produced upon the investigation, which is hereto attached, your committee find—

1. That the Executive did not send any detective or agent to Liverpool to identify Surratt, or trace his movements, notwithstanding there was ample opportunity for doing so, as appears from the communication of Mr. Potter, above referred to.

2. That the Executive did not cause notice to be given to our minister at Rome that Surratt intended going there, when the government had every reason to believe that such was his intention.

3. That on November 24, 1865, an order was issued from the War Department revoking the reward offered for the arrest of John H. Surratt.

4. That from the reception of the communication of Mr. King, under date of August 8, 1866, up to October 16, 1866, no steps were taken either to identify or procure the arrest of Surratt, then known to be in the military service of the Pope.

The testimony of the Secretary of State, the Secretary of War, and others, which is herewith submitted, explaining and tending to justify the acts of the government in the premises, does not, in the opinion of your committee, excuse the great delay in arresting a person charged with complicity in the assassination of the late President of the United States; and while your committee do not charge improper motives upon any of the officers of the government, they are constrained from the testimony to report that, in their opinion, due diligence in the arrest of John H. Surratt was not exercised by the executive department of the government.

Respectfully submitted:

F. E. WOODBRIDGE,
For Committee.

TESTIMONY.

WASHINGTON, January 10, 1867.

Hon. EDWIN M. STANTON, Secretary of War, sworn and examined.

By Mr. BOUTWELL :

Q. Was there an order or proclamation issued offering a reward for the arrest of John H. Surratt?

A. My impression is that there was a reward offered, but I have not a copy of it with me. I will look it up, if such a paper exists, and lay it before the committee.

Q. Was there an order issued from the War Department withdrawing or revoking such offer if made?

A. There was. I have the original draught with me. That order was made by me. I myself recommended that the offer should be withdrawn. The President left it to my discretion to withdraw it or not, as I saw proper, and I issued the order, of which the following is a copy :

[General Orders No. 164.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, November 24, 1865.

Ordered, That—

I. All persons claiming reward for the apprehension of John Wilkes Booth, Lewis Payne, G. A. Atzerodt, and David E. Herold, and Jefferson Davis, or either of them, are notified to file their claims and their proofs with the Adjutant General for final adjudication by the special commission appointed to award and determine upon the validity of such claims, before the first day of January next, after which time no claims will be received.

II. The rewards offered for the arrest of Jacob Thompson, Beverley Tucker, George N. Sanders, William G. Cleary, and John H. Surratt are revoked.

By order of the President of the United States :

E. D. TOWNSEND,
Assistant Adjutant General.

Q. What was the reason for revoking the order offering a reward for the arrest of Surratt?

A. The reasons that influenced my mind were, in the first place, that many months had elapsed without accomplishing the arrest of these parties. I was entirely satisfied that they were not in the United States, and that if any arrest was made it would have to be by government officials, who ought not to have any pretence of claiming the reward; besides, I thought that if the proclamation was withdrawn it would probably induce these parties to believe that pursuit was over, and they might return to the United States and be arrested. For these reasons I thought it expedient to revoke the order. It was done on my own responsibility; the President left it at my discretion to do as I thought best in the matter.

Q. This order of revocation is dated November 24, 1865; at the time you advised the order had you a knowledge of the correspondence in reference to Surratt previous to that date, as printed in Executive Document No. 25, second session 39th Congress?

A. I cannot say whether I had or not. I do not now remember. My attention was called specifically to the subject by the fact that persons were clamoring for the rewards for the arrest of other parties. I had determined to appoint a commission to award them. Having the matter then before my mind I thought it better to withdraw these offers.

Q. It appears from Executive Document No. 9, under date of October 13, 1865, there was a letter from Mr. Hunter, Acting Secretary of State, to Mr. Wilding, United States vice-consul at Liverpool, in which he says:

"SIR: Your despatches from 533 to 541, inclusive, have been received. In reply to your No. 538, I have to inform you that, upon a consultation with the Secretary of War and the Judge Advocate General, it is thought advisable that no action be taken in regard to the arrest of the supposed John Surratt at present."

Have you any recollection of such a consultation?

A. I have a recollection one time of Mr. Hunter bringing or sending to me some correspondence in relation to Surratt. My impression is that at that time Mr. Seward was absent. A few days afterwards Mr. Hunter called, and said the steamer was about to go out, and wanted to know if I had any instructions to give in regard to Surratt. I told him I had not; that I did not think at present the information was sufficient to warrant any instructions for the arrest of the person supposed to be Surratt. I thought he ought to be fully identified before any arrest was made. My recollection is also that Mr. Seward being away at the time, I thought the matter might as well lie over for the present. I have no recollection of

any particular conversation with Mr. Hunter, other than as above stated, and there was certainly none between him, the Judge Advocate General, and myself, as far as I can remember.

Q. Were there any persons employed by the War Department for the purpose of discovering and arresting Surratt in Europe, in the year 1865, or 1866?

A. No, sir; not for his arrest in Europe. Persons were employed, while he was supposed to be in Canada, to get information upon the subject, but without authority to make arrest there. I did not consider that the War Department was authorized to make any arrest in a foreign country, but while he was supposed to be in Canada, I wanted to ascertain where he was, and persons were employed to get information upon that subject.

Q. Is there anything further in regard to the matter of the discovery and arrest of Surratt that you consider it important to state? If so, the committee would be glad to have you state it.

A. So far as I have any knowledge, nothing was omitted to be done that ought to have been done for the arrest of Surratt. I did not think it proper at any time to make an arrest until his identity should be clearly established. And I am not aware of any disposition upon the part of any officer of the government to delay or hinder or throw any obstacle in the way of Surratt's arrest; and I do not know of anything more that could have been done than was done to accomplish that object.

WASHINGTON, January 17, 1867.

Hon. E. M. STANTON, having been recalled, says that he has here a copy of the reward offered for the arrest of John H. Surratt. It appears to have been issued the 20th of April, six days after the murder of Mr. Lincoln, and before the arrest of Booth.

WAR DEPARTMENT, Washington, April 20, 1865.

\$100,000 REWARD.—The murderer of our late beloved President, Abraham Lincoln, is still at large. \$50,000 reward will be paid by this department for his apprehension, in addition to any reward offered by municipal authorities or State executives. \$25,000 reward will be paid for the apprehension of John H. Surratt, one of Booth's accomplices. \$25,000 reward will be paid for the apprehension of David C. Harold, another of Booth's accomplices.

Liberal rewards will be paid for any information that shall conduce to the arrest of either of the above-named criminals, or their accomplices. All persons harboring or secreting the said persons, or either of them, or aiding or assisting their concealment or escape, will be treated as accomplices in the murder of the President and the attempted assassination of the Secretary of State, and shall be subject to trial before a military commission and the punishment of death. Let the stain of innocent blood be removed from the land by the arrest and punishment of the murderers. All good citizens are exhorted to aid public justice on this occasion. Every man should consider his own conscience charged with this solemn duty, and rest neither night nor day until it be accomplished.

EDWIN M. STANTON, *Secretary of War*.

Descriptions.—Booth is 5 feet 7 or eight inches high, slender build, high forehead, black hair, black eyes, and wore a heavy black mustache, which there is some reason to believe has been shaved off. John H. Surratt is about 5 feet 9 inches; hair rather thin and dark; eyes rather light; no beard. Would weigh 145 or 150 pounds; complexion rather pale and clear, with color in his cheeks; wore light clothes of fine quality; shoulders square; cheek bones rather prominent; chin narrow; ears projecting at the top; forehead rather low and square, but broad; parts his hair on the right side; neck rather long; his lips are firmly set; a slim man. David C. Harold is 5 feet 6 inches high; hair dark, eyes dark, eyebrows rather heavy, full face, nose short, hand short and fleshy, feet small, instep high, round bodied naturally quick and active, slightly closes his eyes when looking at a person.

Notes.—In addition to the above, State and other authorities have offered rewards amounting to almost one hundred thousand dollars, making an aggregate of about two hundred thousand dollars.

DEPARTMENT OF STATE,

Washington, February 13, 1867.

SIR: I have the honor to enclose herewith the copy of my testimony before the Judiciary Committee. I believe there were some other corrections suggested, but I do not now recollect what they were.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. JAMES T. WILSON,

House of Representatives.

WASHINGTON, *January 21, 1867.*

Hon. WILLIAM H. SEWARD sworn and examined.

By Mr. BOUTWELL:

Q. The first matter to which we desire to call your attention is a telegram, in cipher, referred to in a despatch from the United States consul general at Montreal, under date of October 25, 1865, which does not appear in the correspondence sent in. Have you a copy of that telegram, in cipher, and its translation?

A. I have the original with me. I desire to be excused from leaving with you the telegram in cipher, as it belongs to the records of the department deposited with me, and to leave it in any other place, with the key, might lead to a revelation of the cipher. The cipher has been used ever since the government has been in existence, so far as I know, and has never been successfully detected. It is said to be a very excellent one. I have here a copy of the translation, with a communication from the late chief clerk, and the first orders on the subject, which I lay before the committee: they are as follows:

Mr. Consul General Potter to Mr. Seward.

[Telegram in cipher.]

MONTREAL, *October 23, 1865.*

I have knowledge, which I consider good, that Surratt left Three Rivers a while since for Liverpool, where he now is, waiting for money to be sent him by the Nova Scotian, which sails from Quebec on Saturday. The knowledge comes from the surgeon of the ship, who knows Surratt and was in his confidence. I ask instructions.

JOHN F. POTTER.

Q. When was the despatch, of which the above is a translation, received at the Department of State?

A. On the 26th of October, 1865, as I find by referring to the entries in the department.

DEPARTMENT OF STATE,

Washington, January 19, 1867.

SIR: Pursuant to your order of this date, we have searched for, found, and have the honor to lay before you the paper mentioned in the order of the Hon. James F. Wilson, chairman of the Committee on the Judiciary of the House of Representatives, and a translation of the same made by the present Second Assistant Secretary, who was chief clerk at the time the original was received. It appears also, from the mark in pencil on the paper, that it was referred by the chief clerk to Mr. Jones for file. The Mr. Jones adverted to then had charge of the consular business in which the consulate general at Montreal was included. When the papers relative to Surratt were in preparation, in answer to the resolutions of the House of Representatives, directions were given for everything on record or on file relating to him to be communicated. The absence of the paper in question was noticed at the time the report was ready, but diligent search failed in discovering it. A telegram was then sent to the consul general at Montreal, requesting him to furnish a copy of the telegram and the despatch referring to it. He replied that no copy of the telegram could be found, but that the despatch, a copy of which was sent, contained the information given in the telegram. A copy of that despatch accompanied the papers referred to in your report to the President in reply to the resolutions of the House of Representatives of December 3, 1866. Inquiry has since been made at the military telegraph office for the record there of the original, but that having proved fruitless, a renewed search was made among Mr. Potter's despatches, which has resulted in finding the paper this day, which, it appears, was received from the "United States Telegraph Company, 450 Fifteenth street, post office and Kirkwood House, Washington."

We have the honor to be, sir, very respectfully, your obedient servants,

W. HUNTER, *Second Assistant Secretary.*

R. S. CHEW, *Chief Clerk.*

Hon. WILLIAM H. SEWARD, *Secretary of State.*

By the CHAIRMAN:

Q. Was Mr. Jones at that time a clerk in the department?

A. He was a clerk in the department when the paper came to the State Department. The mails are opened by the chief clerk, whose business it is to take everything to his room, unseal the letters, and lay before the Secretary whatever there may be requiring his attention. Matters merely of routine, that can be done without his attention, are not laid before him. Family and private letters are opened with the others, the envelopes removed, and laid upon my table for my attention. As convenience allows, I give the necessary directions about them. Those relating to my personal concerns are put into my private box by my private secretary; the others are marked "file," or the necessary directions given to them. This paper was so marked, and that is all I knew of it. When the papers called for by a resolu-

tion of the House to be sent to Congress were brought before me, I discovered that in the correspondence with the consul at Canada this despatch was not there. I called the attention of the chief clerk to it. He said there was no such paper to be found—that they had looked everywhere for it. I said, "That cannot be so," and asked him from what consulate the letter was received. I then directed further search, which was unavailing until I referred to these letters in my instructions to ministers or consuls abroad, and to Mr. Adams, and discovered that it was received from the consulate at Montreal. I then directed search to be made in the bureau of the consulate at Montreal. The answer came back that there was no such document. We have a volume that contains the correspondence with the consulate, but it was not there. I asked how that could be. They said, "We are moving from the old State Department, and the papers are, perhaps, in some confusion." I then directed a telegram or letter to be sent to Montreal to furnish the despatches. Back came two despatches which I have heretofore sent to you. I discovered then that this telegraph despatch was not there. I then obtained information from the consul who sent the despatch, through his successor, that the vice-consul says he attended to sending the despatch, and that no copy was kept, but that the contents were substantially written in the despatch which was sent. In that way it remained. We received no further communication upon the subject until yesterday. I then gave the order through which it was finally obtained.

Q. Was there a clerk at any time in your department during the war, by the name of Jones, who was authorized to receive any despatches from the confederate government, or any officer thereof?

A. I have no knowledge of any arrangement during the war permitting any clerk in the department to receive letters through the post office from the confederate government, or any one there, or to receive any communication of original information from the confederate government without my knowledge. I ought to tell you that I think the reason why that paper got mislaid was, that the whole matter was very confidential. The reason why it could not be found was, that extraordinary care was taken to put it somewhere where it could be found when it was wanted; and where it could not be found and made public without proper authority.

By MR. BOUTWELL :

Q. Did you see a cipher despatch, sent by Mr. Potter, consul general, under date of October 23, when the same was received?

A. I remember that a despatch was laid before me, or that I knew it was received. I remember very well that my attention was called to it.

Q. Were any instructions given to Mr. Potter, following the receipt of this despatch, or any steps taken in reference to the arrest of Surratt?

A. All the proceedings that have been taken, and all the whole matter, have been submitted to Congress in the two reports which have been made.

Q. Does the name "Jones," in pencil, in the despatch, refer to John A. Jones, or some other person?

A. It relates to the person who is now acting consul in Canada, John B. Jones.

Q. Was any person despatched by the State Department as agent or detective to Liverpool, upon or after the receipt of those despatches from Mr. Potter?

A. No, sir; there was never anybody despatched there, for the reasons which are stated in the correspondence. The conclusion Mr. Adams arrived at I concurred in, that at that time, under the circumstances, a pursuit might reveal itself, without the end sought being obtained. I believe you now have every paper in my possession relating to the subject, with one exception. When these papers were called for, it was in my recollection that some time in September last I had received a letter, or a copy of a letter, from St. Marie himself. I had search made for it in the files of the department, but it was not to be found. It was a paper on which I grounded a part of the proceedings in the matter, and I again caused diligent search to be made for it, with only the answer that it was not there. Whether the letter was addressed to me, or whether it was addressed to somebody else and sent to me, I could not tell; but I remember making it the basis of a conversation with Mr. Stanton, Secretary of War, with the Attorney General, and, I think, with the cabinet. On yesterday morning I had further examination made, and I then remembered, for the first time, that it was contained in a private, unofficial letter, which I had received, and was probably among my papers which my private secretary, who comes at intervals, had bound up. I directed the chief clerk, yesterday, to look carefully over my unofficial correspondence, and he brought up this letter, together with two others, which I now lay before the committee, so far as they relate to this subject.

When that letter was received on the 16th of October, as it appears here, I saw the Secretary of War in relation to it, and the Attorney General. I think I submitted to the Attorney General the question whether, under the present circumstances, the proceedings should take place upon an affidavit, or whether it was expedient to get an indictment. He determined that it would be inexpedient to get an indictment, because it would give publicity to the transaction, and might enable Surratt to escape. He determined that an affidavit would be sufficient for the purpose. The Attorney General examined the whole subject, although I myself was entirely satisfied of the truth of the statement of St. Marie. It was referred to the Attorney General for greater safety. He advised, however, that no steps should be taken until Mr.

King should have sent a special agent to St. Marie with a photograph of Surratt and should be able himself to identify Surratt. That was the proceeding advised by the Attorney General, to whose province it seemed to belong, and in which, of course, I acquiesced, and that is the disposal which was made of that letter. There is another private letter which was received on the third of September, under date of August 9, in which the following extract refers to this subject.

By the CHAIRMAN :

Q. Mr. King in a despatch dated June 19, 1866, (No. 56,) mentions that two despatches from the State Department, numbers 34 and 35 are missing. No. 35 appears among the documents furnished to Congress. No. 34 does not. State, if you please, whether No. 34 relates to this subject?

A. I presume it does not or it would have been included among these documents. I will, however, ascertain, and if relevant, furnish it to the committee.

Q. Mr. King in a despatch, (No. 62.) dated August 8, 1866, says: "I availed myself of the opportunity to repeat to the cardinal the information communicated to me by ——— in regard to John H. Surratt. His eminence was greatly interested by it, and intimated that if the American government desired the surrender of the criminal, there would probably be no difficulty in the way." That was dated the 8th of August, 1866. The next despatch of the Secretary of State to Mr. King in relation to this matter bears date the 16th of October, 1866. I desire to ask you why so great delay occurred between the time when the information was communicated by the Roman government that Surratt was in their army and the demand for his surrender?

A. If the letter was written the 8th of August, it would get here about the 8th of September. About the 8th of September the President, myself, and others of the cabinet were at the west, and we remained there I think, thirty days or thereabouts. After I returned I was sick in my room until some time about the 16th of October, when these proceedings took place. I will state, however, that whenever I left the department, it was always with instructions to whatever person I left in charge behind me to follow up the investigation about Surratt, and to confer, whenever information was received, with the Secretary of War or the Attorney General, as the case might be; therefore nothing could have been left undone that ought to have been done in relation to it.

WASHINGTON, D. C., *February 16, 1867.*

Hon. WILLIAM H. SEWARD recalled and examined.

By Mr. BOUTWELL:

Q. Will you state whether the despatches on pages 3, 4, 5, and 6 of Executive Document No. 9, House of Representatives, 39th Congress, second session, (not including either Mr. Hunter's letter, No. 476, nor that of F. W. Seward, No. 164, or either of them,) were submitted to the President at or about the time they were received?

A. I am unable, after this lapse of time, to speak of the fact as to whether the despatches alluded to were submitted to the President or not.

Q. Are there any means in the department of showing whether the despatches referred to were submitted to the President or not?

A. I think there are no records or minutes by which it would appear whether they were submitted to the President or not. The only guide to my remembrance about what has been submitted to the President or not is generally found in the records, which show the disposition made by me, and in the kind of despatches I wrote in answer, which might enable me to recollect whether the papers were submitted to him or not. But my replies would not be conclusive upon the question whether the despatches were actually submitted to the President or not. What I can now say upon that point, in relation to these despatches, is, that it would have been according to my habit to speak to the President, I think, if a convenient opportunity offered, in a cabinet meeting. At the same time they might have been considered as matters of routine, not requiring special direction. I think the probability is that the despatches were regarded as matters of routine, and not specially submitted to the President, while it seems to be probable that, according to my customary habit, I spoke of the business to the President when occasion offered, in cabinet or elsewhere.

DEPARTMENT OF STATE,
Washington, January 21, 1867.

SIR: In conformity with my promise made this morning, I have the honor to communicate to you a copy of Mr. King's despatch of March 11, 1865, No. 34. The committee will observe that it makes no allusion to the case of Surratt, and treats only of foreign matters.

I have also the honor to enclose herewith such parts of private and unofficial notes of Mr. King (discovered yesterday and exhibited by me to the committee this morning) as have any bearing on Surratt's case.

I have the honor to be, sir, your obedient servant.

WILLIAM H. SEWARD.

HON. JAMES F. WILSON,

Chairman of the Committee on the Judiciary, House of Representatives.

[Private and unofficial.]

ROME, August 9, 1866.

MY DEAR GOVERNOR:

Cardinal Antonelli was much interested in the story about Surratt, and intimated his readiness to give him up if our government wants him, as also to let St. Marie have his discharge.

Always faithfully yours,

RUFUS KING.

[Private.]

HAMBURG, September 23, 1866.

MY DEAR GOVERNOR: I enclose a letter forwarded to me from Rome a few days since, in which St. Marie narrates his griefs to Mr. Hooker. He thinks, of course, that too little notice has been taken of his statements about Surratt; but would be satisfied, I have no doubt, if his discharge from the Pontifical zonaves were procured, and the means furnished him to pay his passage home to Canada, where his old mother is still living. His discharge I could obtain without difficulty, if it be desirable.

Always faithfully yours,

RUFUS KING.

[For prudential reasons the letter of St. Marie is here omitted.]

[Private.]

ROME, December 4, 1866.

MY DEAR GOVERNOR:

No news yet of Surratt. I enclose the last letter received (a copy) from our consul at Naples. There seems good hope of catching the fugitive at Alexandria.

Always faithfully yours,

RUFUS KING.

UNITED STATES CONSULATE,

Naples, November 26, 1866.

DEAR SIR: I have this moment received a letter from Mr. Winthrop, our consul at Malta, of which the following is a copy:

UNITED STATES CONSULATE,

Malta, November 20, 1866.

DEAR SIR: I received your telegraph respecting Surratt on Sunday evening at eight o'clock, and before nine the next morning had written to the acting chief secretary, asking that this notorious criminal might be landed here and kept under guard until I could send him to the United States, where his crime was committed. Notwithstanding I pressed for an immediate answer, both in my public despatch and by a private note, still it did not reach me until 1 p. m., when the steamer Tripoli was ready to leave for Alexandria; and then, as I think, owing to literal quibbling, my request was not granted. This was most annoying, and I shall send all the correspondence to Hon. W. H. Seward, in the hope that he will give the officials in this neighborhood some knowledge of the treaty now existing for the arrest of criminals, which they would appear so much to require.

It was most unfortunate that the Tripoli came in with fifteen days' quarantine, which absolutely prevented me from having the least communication with the vessel, and it was equally unfortunate that the telegraphic cable between this point and Alexandria has broken down, so that no messages can be sent. But I at once sent a telegram to the consul general in

Egypt, *via* Constantinople, which, I am told, will reach him in two days, and at least twenty-four hours before the Tripoli arrives. Having full judicial powers, it will not be difficult for Mr. Hale to arrest the criminal before he lands, though it may cause him much trouble to identify Surratt when he is among the seventy-nine men who are now on board the vessel. The consignees of the vessel here kindly sent a letter from me to Mr. Hale, under cover of their agent in Alexandria, and to be delivered before the passengers land. I earnestly hope that by my telegram or letter the criminal may be arrested; if such should be the case, perhaps you will write me that I may forward any and all information which may be necessary for the consul general to know.

Yesterday afternoon I received a telegram from Hon. Mr. King, minister at Rome, and have not time to write by this mail. I should feel truly obliged if you would send him a copy of this note, that Mr. King may know what I have done.

Very respectfully,

WILLIAM WINTHROP.

After your letter it cannot do much good for me to write to Alexandria, but as yours was written before you had received my second letter, and as one from me will probably arrive before one from yourself, I shall immediately write the consul general at Alexandria. It may assist in identifying Surratt.

I have the honor to be, very truly, &c.,

FRANK SWAN, *Consul*.

Hon. REFUS KING, *Minister, &c., Rome*.

DEPARTMENT OF STATE,

Washington, February 19, 1867.

SIR: I have the honor to enclose for your information and that of the committee over which you preside a copy of a letter, of yesterday's date, addressed by this department to Marshal Gooding, relative to John H. Surratt, charged with being an accomplice in the assassination of the late President, Abraham Lincoln.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. JAMES F. WILSON,

Chairman of the Committee on the Judiciary, House of Representatives.

DEPARTMENT OF STATE,

Washington, February 18, 1867.

SIR: The Secretary of the Navy informs me that the United States ship-of-war Swatara has arrived and is lying off the navy yard, having on board the prisoner John H. Surratt, who is charged as an accomplice in the assassination of the late President, Abraham Lincoln. It is the request of the President that you take the prisoner at once into your custody and detain him for trial according to law. You will call at the Navy Department for an order on the commander of the Swatara.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

D. S. GOODING, Esq.,

Marshal of the United States for the District of Columbia.

WASHINGTON, D. C., *January 10, 1867.*

Brigadier General JOSEPH HOLT recalled and examined.

By Mr. BOUTWELL:

Q. A letter from Mr. Hunter, Acting Secretary of State, addressed to H. Wilder, vice-consul, Liverpool, dated October 13, 1863, (probably 1865,) speaks of a consultation with the Secretary of War and Judge Advocate General, and says, "It is thought advisable that no action be taken in regard to the arrest of the supposed John Surratt at present." State, if you recollect, the nature of the consultation referred to in this communication.

A. I have no recollection, so far as I am concerned, of any such consultation with Mr. Hunter. I remember that the paper enclosed by Mr. Wilding, signed by George Melly, was brought to my notice. I think I read it. I certainly was made aware of its contents, but not with a view, as I understood, to have official action by me, and I never took any. If any subordinate of the State Department called on me at that time in connection with the paper, I do not now recollect it. It is barely possible that some one may have done so. I

have no recollection at any time of ever having said or done anything to discourage the pursuit or arrest of John H. Surratt, but I remember, in connection with this very paper, having the impression, which I believe was generally entertained, that if any formal demand had been made upon the English government for Surratt, that government would have followed its own precedents—treated the assassination of the President as a political offence, and would have refused to deliver him up. I did not derive that impression from conversation with any officers of the government, but it was the subject of conversation with various persons, and was, I think, the received impression prevailing. I may state, if it is proper that I should do so, that I did not regard it as at all within the scope of my official authority either to urge the demand for Surratt or not to urge it, unless the question was in some way referred to me for consideration. I supposed it belonged to another department of the government, and that it would not have been at all proper for me to have obtruded any advice whatever. I therefore confined myself, when the matter was brought to my notice, to furnishing such information as my own knowledge or the records of the office would afford, and which would be of advantage to the government in making the investigation and pursuit in which it seemed to be engaged.

By Mr. THOMAS:

Q. I ask you whether detectives are still, or were at the time this information came from Liverpool, in the employment of the War Department?

A. I think the detective force, of which General Baker is the head, had been discharged before that time, and that there was no detective force in the employ of that department.

WASHINGTON, D. C., *February 4 and 5, 1867.*

WILLIAM HUNTER, Second Assistant Secretary of State, sworn and examined.

By Mr. BOUTWELL:

Q. In the despatch signed by you as Acting Secretary, (No. 476,) dated October 13, 1863, (I suppose it should be 1865,) to Mr. Wilding, United States vice-consul at Liverpool, you say: "In reply to yours, No. 538, I have to inform you that, upon a consultation with the Secretary of War and the Judge Advocate General, it is thought advisable that no action be taken in regard to the arrest of the supposed John Surratt, at present." State the consultation with the Secretary of War and the Judge Advocate General to which you refer in that despatch.

A. My impression, at this distance of time, is that I sent Mr. Wilding's despatch (No. 538) over to Mr. Stanton and to Judge Holt by one of the gentlemen of the department who was in the habit of going there on such business. I do not think I saw them personally. It was he who held the consultation and brought me their oral opinion.

Q. Can you recollect the name of the officer of the department who was with Mr. Stanton and General Holt?

A. I think it was Mr. Chew, the present chief clerk. He was in the habit of being sent both by the President and myself on such occasions of business with the War Department.

Q. Did you, at that time, have any opinion yourself as to whether it was expedient to arrest Surratt?

A. I had a very decided opinion that it would be useless to attempt his arrest anywhere in the British possessions.

Q. On what was that opinion based?

A. It was based on the poor success we had with the pirates, especially with the pirates of the Chesapeake, and of the J. W. Gerrity, a vessel that was taken by pirates. The English courts decided that although piracy was a crime mentioned in the extradition treaty, it was a crime triable in any country where the pirates might be found: and they were let off on that ground, although we demanded their extradition.

Q. Was it not on the ground, also, that the English authorities could try them under the law of nations?

A. Yes; but they did not try them.

Q. They did not refuse to deliver them up on the ground that the pirates had the right to escape?

A. O, no.

Q. Did it not appear to you that the case of Surratt, charged with complicity in the assassination of the President, was a very different case?

A. It was different; but all the law questions relating to these matters were canvassed at the Bureau of Military Justice, and the State Department considered itself governed by what might be decided on there.

Q. Do you mean to be understood as saying that the person who was sent by the State Department to the War Department stated on his return that Mr. Stanton and Mr. Holt were of opinion that the arrest of Surratt should not be made at that time?

A. Yes, that was my understanding.

Q. Who was acting as Secretary of State during Mr. Seward's absence in the west in September last?

A. I think I was. I forget whether his son was here or not.

Q. State when the despatch of Mr. King dated August 8, 1866, was received?

A. It was received the 27th of August.

Q. Had you orders from Mr. Seward, while you were acting as Secretary, to give attention to the matter of the arrest of Surratt?

A. No special orders.

Q. Within your knowledge was the subject of the arrest of Surratt considered by you or by Mr. Seward, Secretary of State, or Mr. Seward, Assistant Secretary, after the receipt of Mr. King's despatch of August 8, and previous to Mr. Seward's despatch (No. 43) of October 16?

A. I have no recollection on that point, particularly. So many details of business pass through my hands and over my mind that it is impossible to recollect.

Q. Do you know why the order for the demand of Surratt was delayed after the receipt of Mr. King's despatch of August 8?

A. I am under the impression that there was a cabinet consultation on the matter. You must recollect that there was no extradition treaty with the Pope, and it was supposed to be a matter of delicacy to ask from a foreign government, with which we had no extradition treaty, anything in the nature of a favor which we might be expected to return.

Q. The despatch of August 8, from Mr. King, states that Cardinal Antonelli intimated there would probably be no difficulty in the way of a surrender, yet the demand for Surratt's arrest and delivery was not issued by the State Department till the 16th of October, what was the cause of this delay?

A. My impression is that they were in doubt as to whether they would make the application at all, as it might form an inconvenient precedent.

Q. Surratt was charged with complicity in the assassination of the President of the United States, how could the demand for his delivery form an inconvenient precedent?

A. If a man charged with being the assassin of Francis the First of Naples escaped to this country, there being no extradition treaty, do you think we would be apt to give him up? I wish you to understand that I was not in the secret of the cabinet when that thing was determined upon. It was a serious question, from what I understood at the time.

Q. (Repeated.)

A. My answer to that is, that if a foreign sovereign, with whom we had no extradition treaty, were to be assassinated, and if a man charged with being an accessory to the assassination were to take refuge in the United States, and if his delivery was demanded by the government of the country whose sovereign had been thus assassinated, we would find in the demand, in the case of Surratt, (it strikes me,) an inconvenient precedent if we were obliged to refuse the other demand.

Q. Do you know whether anything transpired, and if anything, what, between the receipt of Mr. King's despatch of August 8, and the letter of the Secretary of State, of October 16, that led the Secretary to make, at that time, a demand for Surratt's surrender?

A. I do not.

Q. When did Mr. Seward leave Washington for the west?

A. On the 28th of August. Mr. King's despatch was received on the 27th. On the margin of that despatch is an order, in Mr. Seward's handwriting, in these words, "Extracts to the Secretary of War." That was written on the margin bordering that part of the despatch which relates to Surratt. That order was carried into effect by a letter from me of August 28, a copy of which is herewith transmitted, and which letter was accidentally omitted from the papers sent to the House of Representatives. The following is a copy of the letter:

DEPARTMENT OF STATE,
Washington, August 28, 1866.

SIR: Enclosed I have the honor to transmit an extract from a despatch of the 8th instant from Mr. King, minister resident of the United States at Rome, in which he gives the result of a conversation between Cardinal Antonelli and himself relative to the information communicated to Mr. King by St. Marie concerning John H. Surratt.

I will thank you to acquaint this department with your views in regard to the expediency of requesting the surrender of Surratt.

I have the honor to be your obedient servant,

W. HUNTER,
Second Assistant Secretary of State.

Hon. E. M. STANTON,
Secretary of War.

WITNESS, (continuing:) No answer was received from the Secretary of War to the question at the close of that letter. The moment I saw that the extracts were directed to be sent to the Secretary of War I knew that they must have been accompanied by a letter, and therefore I had a more thorough search made for the letter, and it was found.

Q. The note on the margin of the despatch was made by Mr. Seward before he left for the west?

A. Yes, the 27th, the day the despatch was received. It is in his handwriting. It is his usual practice, whenever he wants anything particular done in reference to a despatch, to write his instructions in pencil on the margin.

W. HUNTER.

WASHINGTON, D. C., *Tuesday, February 5, 1867.*

ROBERT S. CHEW sworn and examined.

By Mr. BOUTWELL:

Q. What is your official position now, and what was it in August and September last?

A. I am chief clerk in the Department of State; I was then in charge of the consular bureau, embracing the consulates of South America, Central America, Mexico, the islands of the Pacific, and some of the islands of the Gulf.

Q. Among the papers submitted to the House of Representatives by the Secretary of State is a despatch, No. 476, dated October 13, 1863, (it should be 1865,) signed by W. Hunter, Acting Secretary, addressed to H. Wilding, United States vice-consul, Liverpool, in which is this sentence: "In reply to your 538 I have to inform you that, upon a consultation with the Secretary of War and the Judge Advocate General, it is thought advisable that no action be taken in regard to the arrest of the supposed John Surrott at present." Do you know anything of the consultation with the Secretary of War or the Judge Advocate General on the subject?

A. The despatch referred to (No. 538) was taken by me, at the request of Mr. Hunter, to the Judge Advocate General, and also to the Secretary of War, to ascertain from them whether they had any directions to give on the subject. I first submitted the despatch to the Judge Advocate General, and afterwards to the Secretary of War. The Secretary of War read it, and said he did not think it necessary that any action should be taken in the case at present. I returned with the despatch to the department, where I made a memorandum on it to guide the chief clerk in his answer to Mr. Wilding's despatch. By "consultation" I presume Mr. Hunter means the submission of the matter to those officers.

Q. Did you have any interview on the same subject with the Judge Advocate General?

A. Yes, sir. I submitted the despatch to the Judge Advocate General first, and then I went from him to the Secretary of War.

Q. What was the reply of the Judge Advocate General?

A. I merely told the Judge Advocate General that my instructions were to show the despatch to him, and then to take it to the Secretary of War. He handed it back to me, making no reply that I recollect. My impression now is that the Judge Advocate General requested me to take the despatch over to the Secretary of War. I think Mr. Hunter's instructions were to take it first to the Judge Advocate General. I was so frequently going to see both those officers during the rebellion that I am not very clear on that one point. However, the despatch was submitted to both those officers by me.

WASHINGTON, D. C., *February 16, 1867.*

Hon. E. M. STANTON recalled and examined.

By the CHAIRMAN:

Q. I call your attention to a statement made by Robert S. Chew, in his testimony before this committee on the 5th of February instant, in relation to despatches 476 and 538, and relating to an interview which he alleges to have had with you concerning said despatches. Please state your recollection of the circumstances of that interview.

A. Mr. Chew is a clerk in the State Department, and occasionally brings papers from that department to the Secretary of War, for his information or for whatever occasion may require. The despatches referred to, I stated in my examination, were either brought or sent to me by Mr. Hunter. They were no doubt brought by Mr. Chew. They were brought into my office in business hours. I looked at them enough to see what subject-matter they related to, and told him I had no directions or instructions to give at that time. I am quite sure I never stated to him, or to anybody else, that I did not think it necessary that any action should be taken in the case at present. My recollection is, that I told him I would consider the matter, and if any instructions occurred to me which I ought to give they would be given before the next steamer. My opinion or advice was not asked by Mr. Chew at that time, and under the circumstances, at the time he mentions, it would have been impossible that I should have given any without consideration, or without more consideration than I had at the time. My recollection is, that these are the two despatches referred to, but that they did not contain sufficient evidence of identity to justify any immediate arrest: and that when

I was afterwards called upon, before the steamer went out, I expressed the opinion that identity should be established before an arrest was made, as I said in my former examination. If Mr. Chew made the memorandum, which he says he did, it was not shown to me, and he certainly mistook what I said. There never was a time when I was not as anxious as any man could be to have Surratt arrested; but over his arrest in a foreign country I had no control, and as a matter of discretion, in my opinion, the identity of the individual was an essential preliminary to any arrest; and it was my wish that every means should be taken by the proper department to establish that fact.

WASHINGTON, D. C., *February 5, 1867.*

L. J. McMILLAN sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside, and what is your occupation?

A. I reside at Sweetsburg, Canada, and I am a medical doctor.

Q. Did you know John H. Surratt? And if so, state when, and under what circumstances.

A. I became acquainted with John H. Surratt in the month of September, 1865. I did not know him then under the name of Surratt; he was introduced to me under the name of McCarthy by a gentleman in Montreal, who kept him in secrecy after the assassination of Mr. Lincoln. I was then surgeon of the steamship *Peruvian*, plying between Quebec and Liverpool. He came on board of the ship, I believe, on September 11, 1865. I never suspected who he was until after we had left. One day he inquired of me "who that gentleman was," pointing to a passenger. He said he believed he was an American detective, and that he was after himself. "But," said he, "if he is," (he put his hand in his pocket and drew out a revolver,) "that will settle him." Then I began to suspect—not that he was Surratt—but that he had been connected with the rebellion here in some way. After that he would be continually with me every day, because I was the only person on board he knew, having been introduced to him by my friend, and he seemed not to care for being in the company of any one else. He used to come to me when I would be alone and ask me to walk with him on the deck; and he would always talk about what happened here during the war. He told me that he had been from the beginning in the Confederate States' service, carrying despatches between here and Richmond, and also as far as Montreal; that he and Booth had planned at first the abduction of President Lincoln; that, however, they thought they could not succeed in that way, and they thought it was necessary to change their plan. After this, before the assassination, Surratt was in Montreal, when he received a letter from Booth ordering him immediately to Washington; that it was necessary to act, and act promptly, and he was to leave Montreal immediately for Washington. He did not tell me he came here, but he told me he came as far as Elmira, in the State of New York, and from that place telegraphed to New York to find out whether Booth had already left for Washington, and he was answered that he had. He did not tell me whether he had gone any further than Elmira. The next place he spoke to me of was St. Albans, Vermont, where he said he arrived early one morning—about breakfast time—and went to a hotel there for breakfast. While he was sitting there he heard several talking about an assassination, and he inquired "what was up?" They asked him if he did not know that President Lincoln had been assassinated. He said, "I did not believe it, because the story was too good to be true." On that a gentleman pulled out a newspaper and handed it to him. He opened it and saw his own name as one of the assassins. He said this unnerved him so much that the paper fell out of his hands, and he immediately left the room and walked out; and as he was going out through the house he heard another party say that Surratt must have been, or was at the time, in St. Albans, because such a person (mentioning the person's name) had found a pocket handkerchief on the street with Surratt's name on it. He told me he actually looked in his pocket and found that he had lost his pocket handkerchief. From that place he then went to Canada, and was concealed there from April to September. There were a great many things which he told me that I have forgotten, or at least are not now fresh in my memory. At the time I paid particular attention to what he said, and when I first made a deposition in Liverpool everything was fresh in my memory. But since then I thought everything was over, and I never paid any more attention to it. Consequently, there are a great many things which he told me that now I cannot recall to memory.

Q. When did he first disclose to you that his name was Surratt?

A. The first time that I was sure that he was Surratt was on a day that he was talking about his mother having been hung. He did not call her Mrs. Surratt, or by any other name, but he spoke about his mother having been hung; and of course I knew well enough that there was only one woman that had been hung in connection with this assassination, and so I was pretty certain that he was her son. He also asked me who did I believe he was. I was not sure who were the parties that had escaped, as I was away at sea most of the time, and was not well posted about it; so I answered him I believed he was either Surratt or Payne. He gave me no answer to that reply, but only laughed. But the last day

he was on board the ship he called me aside and again commenced to talk about the assassination, and one thing or the other. It was in the evening, and we were alone together, and he took out his revolver, which he kept in his pocket all the time, and pointed it to the heavens, and, said he, "I hope and wish to live just a few years more—two years will do me—and then I shall go back to the United States, and I shall serve Andrew Johnson as Abraham Lincoln has been served." I asked him, "Why?" And he answered, "Because he has been the cause of my mother being hung." I said then, "Now, who are you?" though I was pretty sure then who he was; but still he had not given me his name himself. He looked around to see whether there was any person near us, and he said, "My name is Surratt." That was the time that he told me, though I was pretty certain before who he was; but up to that time he had not told me so himself.

Q. Look at that, which purports to be a printed copy of an affidavit accompanying a despatch dated the United States consulate, Liverpool, September 27, 1865, and signed A. Wilding, vice-consul, (No. 538,) and state whether or not that affidavit was made by you?

A. It was.

Q. After leaving the Peruvian, at the end of the voyage of which you have spoken, when, if at any time afterwards, did you meet Surratt?

A. I made this affidavit on the 25th of September; the next day would be Wednesday, the 26th. I told Mr. Wilding that he would be in Liverpool within a day or two, and that as soon as he had come I would let him know. So, on Wednesday, the 26th, in the evening, Surratt came to my boarding-house but I was absent. I came back a few minutes after he went away, and I was told a gentleman had been inquiring for me. From the description they gave me of the gentleman, I knew who it was, and I went and told Mr. Wilding. Surratt had told the landlady of my boarding-house he would come back again to my place the same evening about seven o'clock, and he did return about that time. He wanted I should go with him to a place to which he had been recommended to go, but he could not find the place, and he asked me to go with him and show him the place, and I did so. Mr. Wilding, I think, had sent a detective to watch us, because I saw a man following us from the time we left my house until I left Surratt, and he went to that house to which he had been recommended. He promised to see me the next day, but he did not do so. I got a small note from him stating that he intended to go to London, but that when he got to the station there were several Americans there, and he was afraid of being recognized, and did not go any further. A few days afterwards I saw him again, and he gave me a letter to bring back to the party who had taken care of him in Montreal. He expected some money, because when he got to Liverpool he had very little money. I know it because I saw his pocket-book, and what money he had was in American gold, and I gave him English gold for it. He told me he expected some money—a remittance, he told me, from Washington—but it would come through his friend in Montreal, and that I would very likely be charged with it when I came back; so he gave me this letter, and I brought it to his friend when I went back, but there was no letter for him—at least none given to me for him. I saw him again in Liverpool; that was five or six weeks after he left the vessel. I saw him again that time—once or twice I believe—and I never saw him since.

Q. Did he wear any disguise during the passage, or while he was in Liverpool?

A. While in Liverpool every time I saw him was in the evening. He told me he did not like to move out in the day time, and he always came to my house in the evening, and then he wore a long cloak, and he would throw the end of it across his face—that is, he would throw the corner of his cloak over his face when he would walk out on the street. On board ship he wore no other disguise than spectacles, but you could see his hair had been dyed. He told me his eyes were good enough, but the spectacles were just to disguise him a little. There was at that time on board a General Ripley, from South Carolina. Whether they had been acquainted before or not I do not know, but I saw them in conversation a few times together; and I remember that Surratt told me in Liverpool that, if he found himself very hard up for money, General Ripley had given him his address, or at least the address of his agent in London, and to write to his agent, and that he would see he would have a remittance.

Q. Have you in your possession the note of which you spoke of his having written to you?

A. I have not. I had two notes of his; and when I started to come down here, I looked for them, but could not find them.

Q. Did you at any time communicate the information you had of Surratt to any other officer of the United States except Mr. Wilding?

A. Yes; in Canada, when I came back. Before I left Liverpool, I saw Mr. Wilding again, and he told me the government was not willing to do anything, or something to that effect; so I thought the government did not want to have any more to do about it, and I paid no more attention to it until I came back to Canada. I was one day talking with my friends, and I said I had crossed with Surratt. I made no secret of it, and told it to several persons. By some means it was carried to Mr. Potter, who is United States consul in Montreal. I think it was the consular agent of the United States at St. John's, Canada East, Mr. Morehouse, with whom I was acquainted, told me, as I was going to Montreal, that I had better call on Mr. Potter and see him. I did so the same day, and told him about the same thing as there is in this testimony. He then told me (it was on Thursday) that he had already

telegraphed to the authorities in Washington about it, and that very likely I would receive some papers, or something else, from the government here about the matter; but I have never heard anything further about it.

Q. Do you know in what month, or what day of the month, you called on Mr. Potter?

A. I should say it was on a Thursday, which was either the 25th or 26th October, 1865.

Q. What day would the steamer sail?

A. The Saturday morning. He told me that, from the information he had received from Mr. Morehouse that I knew all about Surratt's movements, he had already telegraphed to Washington. (The despatch, No 236, signed Potter, Montreal, October 25, was here handed to witness.) That is the despatch he sent while I was there.

Q. Do you know what time is required to come from Montreal to Washington, or New York?

A. When I was on my way here, the other day, we were detained on account of the snow; and it took us between forty and forty-five hours to come from Montreal to New York.

Q. Do you know how much time you lost?

A. I think, ten hours.

L. J. A. McMILLAN, M. D.

WASHINGTON, D. C., February 20, 1867.

Commander WILLIAM N. JEFFERS, United States navy, sworn and examined.

By Mr. BOUTWELL:

Q. Are you in command of the Swatara, which has recently arrived in this country?

A. I am.

Q. She brought as a prisoner John H. Surratt?

A. I do not know whether she brought John H. Surratt or not; she brought a prisoner from Alexandria, Egypt.

Q. Was there any person on board the vessel who was known as John H. Surratt?

A. No one on board knew him. He was delivered to me by the consul general at Alexandria, and represented by him to be John H. Surratt. I have no doubt that is his name, but I have no personal knowledge on the subject.

Q. Was there any person on board who had previously known John H. Surratt in Washington?

A. There was a person by the name of St. Marie who claimed to have known him.

Q. Were there any officers or men belonging to the ship who had previously known John H. Surratt?

A. None whatever.

Q. Under whose instructions did you proceed to Alexandria?

A. I proceeded in consequence of a telegraphic despatch from Admiral Goldsborough.

Q. Did you have any instructions from him or any other person in regard to receiving Surratt on board?

A. Simply to consult our minister, and to receive on board this person who was delivered to me.

Q. Did you have any instructions as to the manner in which you should treat him?

A. None whatever. Confidence, I presume, was reposed in my judgment as to the proper mode of treatment.

Q. Where were you when you received the order?

A. At Marseilles.

Q. At what time did you arrive at Alexandria?

A. I proceeded first under orders to Rome, hearing that he had been arrested there. Finding that he had escaped, I received a second telegraphic despatch instructing me to proceed to Alexandria, touching at Malta for information from our consul there. I received this person on board at Alexandria the 21st of December.

Q. During the voyage have you had any conversation with Surratt?

A. None whatever. The following are the orders given by me relative to intercourse with the prisoner:

ORDERS RELATIVE TO THE STATE PRISONER.

For executive and watch officers.

He is not to be allowed to converse with any person whatever.

If he desires anything, the request shall be referred to me.

No person is to be permitted to converse within his hearing upon any other subject than ship's duties.

The orderly and a sentry specially charged with his guard will be responsible that he does not escape.

He will be kept in the room arranged for his reception, in single irons only, so long as he keeps quiet and makes no attempts at escape. The room door to be kept locked.

He will, when necessary, use the captain's water-closet.

His meals will be supplied by the ward-room mess. The food to be cut up, and a spoon only to be allowed with which to eat it.

He is to be carefully guarded against attempts at suicide, whether by jumping overboard or otherwise. If he attempts to escape he is to be fired upon by the sentry, the orderly, and the officer of the watch.

The upper tier of carbines in each chest is to be kept loaded, and daily examined to see that they are in good order.

It is to be carefully borne in mind that the prisoner is put on board for safe-keeping and transportation to the United States, and that his death is preferable to his escape.

If the prisoner becomes violent he is to be placed in double irons, hands behind him.

He will be supplied with a mattress and two blankets.

The sentry will be relieved every two hours, and he, with the corporal of the watch, will assure himself of the presence of the prisoner before relieving.

The corporal of the guard and orderly, the latter on the poop, will be present when the prisoner is taken to the water-closet, will see the door locked on his return, and hand the key to the officer of the watch.

When in port the officer of the watch will be present whenever the door is opened.

Meals may be passed in through the window. At the discretion of the commander the window may be left open in the daytime in sunny weather.

WILLIAM N. JEFFERS,
Commander, U. S. N.

Orders to the sentry relative to prisoner.

The sentry is responsible in his own person for the safe-keeping of the prisoner.

He shall always before relieving see that the prisoner is present.

If the prisoner attempts to escape the sentry shall at once cut him down, or, with the orderly and officer of the watch, fire upon him and kill him, if unable otherwise to detain him.

He shall hold no conversation with the prisoner nor permit any other person to do so.

He will refer any requests to the officer of the watch.

The door shall not be opened except in presence of the corporal of the guard, the orderly, the latter on the poop; and in port the officer of the watch.

No persons except the quartermaster and cabin servants shall be allowed abaft the mizzenmast, except by special orders of the officer of the watch for some duty. No one shall be allowed there when the prisoner is in process of removal from his room to attend calls of nature.

WILLIAM N. JEFFERS,
Commander, U. S. N.

In accordance with these orders, from the day he was received on my ship till the moment I delivered him over to the marshal here, he has never spoken a word, and no one has been allowed to speak to him except in reference to his personal wants. He is as ignorant of everything that has occurred from that time till the present as any person placed entirely without communication could be.

Q. Did any person see or converse with him while he was in your charge?

A. No person except the admiral, Goldsborough, at Villa Franca. He examined my orders, and was so well satisfied with them that he added nothing to them.

Q. When was he delivered over to the marshal of the District?

A. Yesterday afternoon.

Q. Up to that time no person had communicated with him?

A. Up to that time no person whatever had spoken to him excepting as to his personal wants, as to his food, clothing, &c.

Q. Did you at Alexandria, or at any other place, see or have a daguerreotype or photograph of Surratt?

A. Our minister at Rome gave me a photograph, said to be that of Surratt, which I subsequently returned to him.

Q. Was it a photograph of the prisoner you brought to this country?

A. It bore no resemblance to him. It had been taken identically four or five years before. No one could have recognized him from the photograph. It was the picture of a just grown young man. He is a fine looking fellow, about 21 years old, with a light goatee and little side whiskers, reddish in color.

Q. Was there anything about the photograph that led you to suppose it was taken of Surratt?

A. I had reason to suppose so, because it was given me by our minister at Rome as having been sent out by the State Department; and it could very readily have been a picture of this man four or five years before.

Q. Did you show it to Surratt?

A. I had no communication whatever with him. I considered that my only duty was to convey him safely to the United States, and deliver him up, without any attempt to cultivate his confidence or entrap him into admissions, or anything of that sort.

Q. Did St. Marie see this photograph?

A. I do not think he did. St. Marie was asked to go on shore to identify him, but he claimed that it hurt his feelings to be brought face to face with him. I have from that time entertained the utmost contempt for St. Marie.

By the CHAIRMAN:

Q. Where did St. Marie leave your vessel?

A. He left me at Villa Franca. I took him on board at Rome, at the request of our minister, for the purpose of identifying Surratt, but he had not been on board but a few hours before he had told every one everything he had done, if not more. At Malta he wanted to go on shore; I refused permission, because I did not want him to babble to the people there. At Alexandria I also refused to permit him to go on shore. At Villa Franca he wrote me rather a sharp letter, complaining of not being allowed his liberty. I referred the letter to the admiral, who let him go home. He left there and came home by steamer.

Q. Had you any instructions in reference to bringing St. Marie to the United States?

A. None, whatever. I did not consider him a prisoner at all; but at the same time I thought it proper to prevent him from going on shore and babbling to the people there in regard to persons on the ship and his own matters. My object, as you will see, was simply to bring this man here, as far as possible, without any knowledge of the excitement which I saw by the papers had been caused by his arrest, so that any evidence he might give after his arrival would be entirely unbiassed by anything he had heard.

WASHINGTON, D. C., *February 25, 1867.*

Captain WILLIAM JEFFERS recalled and examined as follows:

By the CHAIRMAN:

Q. Please examine the photograph now shown you (marked Exhibit G) and state whether that is a copy of one you saw in Rome.

A. That is a copy of one I saw in Rome.

WASHINGTON, D. C., *February 26, 1867.*

DAVID S. GOODING sworn and examined.

By the CHAIRMAN:

Q. You are marshal of the District of Columbia?

A. I suppose I am. I am acting in that capacity.

Q. Have you in your custody John H. Surratt as a prisoner?

A. That needs an explanation. When at the jail he is not in my custody as marshal. The jail is under the custody of the warden, over whom I have no control. The warden is an independent officer.

Q. You took him from the vessel to the jail?

A. I did.

Q. You are acquainted with his personal appearance?

A. Yes, sir. That, however, was the first time I ever saw him.

Q. Look at the photograph, (marked Exhibit G,) and say whether, in your opinion, it is the photograph of John H. Surratt.

A. I, perhaps, ought to say to the committee, that I am not very good in determining the likeness of persons. I could not say that was the photograph of John H. Surratt whom I had in custody. It resembles him somewhat, but I could not say positively.

Q. Is this so perfect a representation of Surratt, that with its aid you could have picked him from a crowd of men as John H. Surratt?

A. When he was delivered to me it was in a different costume. I am not prepared to say that, in the dress he wore when his photograph was taken, I would not have known him. There is some resemblance to him in my judgment.

Q. Suppose you had been sent out to arrest John H. Surratt, and the only description of him given to you was that photograph; would you have been able to recognize him?

A. I would not have been certain that it was the same person.

Q. How was he dressed when he was taken to the court for arraignment?

A. Pretty much as he is represented in this photograph. Looking at it again I would not say positively that it was Surratt, but it sufficiently resembles him to incline me to think it is the picture of John H. Surratt.

Q. Have you any stronger reason for supposing it is the photograph of John H. Surratt than the fact that it has been presented to you for identification, and you have been asked whether it was his picture?

A. I have some stronger reason than that, because I think the face resembles his, the eyes and nose especially.

WASHINGTON, D. C., February 28, 1867.

Reverend B. F. WIGGET sworn and examined.

By Mr. BOUTWELL:

Q. State your residence and profession or occupation?

A. I am connected with the Gonzaga college, on F street, Washington, between Ninth and Tenth streets.

Q. How long have you resided in Washington?

A. With an interruption of four months I have resided here seven years.

Q. Look at the photograph, (marked Exhibit G,) and state whether or not you have known the person for whom it was taken?

A. John H. Surratt, I should think.

Q. Have you known Surratt for many years?

A. Many years, yes, sir. I knew him when he was about twelve years old. He was one or two years under my tuition.

Q. Can you judge when that was taken, whether recently or some time ago?

A. I could not exactly judge. I should suppose three or four years ago. He wore a mustache, goatee, or imperial—some little beard when I last saw him.

Q. How long before John H. Surratt left the country, which was supposed to have been in April, 1865, did you last see him?

A. I cannot exactly judge. It may have been three or four weeks. I know I passed by one day and asked his mother, "Where is John? I have not seen him for ever so long;" she said, "He is gone away."

Q. Does this photograph resemble him pretty accurately as he appeared when you last saw him?

A. I should think it did, pretty well. It appears rather younger, and he wore a little beard, as I said, when I last saw him.





